

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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VINCENT ALAIMO, SUSAN ALAIMO and
MINETTE ALAIMO,

Plaintiffs,

-against-

GENERAL MOTORS CORPORATION,
GENERAL MOTORS AND THEIR
MANUFACTURERS, AGENTS, AND
SUBCONTRACTORS AND THEIR
EMPLOYEES AND/OR EXPERT WITNESSES,
GERALD COOPER, JOHN W. MELVIN,
BRIAN EVEREST AND DR. BRENT BENSON,

Defendants
-----X

DOCKET NO.: 07 CIV 7624

JUDGE CHARLES L. BRIEANT

MAGISTRATE JUDGE MARK D. FOX

**MEMORANDUM OF DEFENDANT,
GENERAL MOTORS CORPORATION
IN OPPOSITION TO PLAINTIFFS'
MOTION IN RECONSIDERATION
AND STAY**

Plaintiffs have filed a frivolous lawsuit in this Court. The action against General Motors is barred by *res judicata*. Collateral estoppel and the absolute privilege accorded witnesses at trial bar the action against Brian Everest.

Simply stated, the fact that plaintiffs have filed a motion in the New York Supreme Court changes nothing in this lawsuit. This lawsuit is without merit. The existence of a motion in another court is irrelevant to any issue in this one.

Multiplication of lawsuits regarding this automobile accident is in the legitimate interest of no party and is certainly contrary to all principles of judicial economy. Plaintiffs are entitled to no relief in this Court. Whatever documents plaintiffs may file in the New York Supreme Court, this lawsuit should be dismissed.

Why plaintiffs want to keep this case open, but on hold, while pursuing relief in the New York Supreme Court is unknown and unstated. What is certain, however, is that request should be denied. Allowing a party to keep open duplicate lawsuits in separate courts is recommended by no principle of

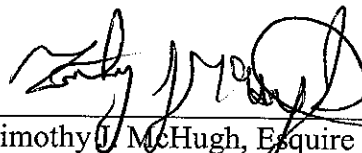
judicial administration. It advances no party's legitimate interest, and is an unfair and inappropriate imposition on the judicial system.

Plaintiffs state no reason for granting their request, and there is none. Defendants request that the motion be denied.

Dated: New York, New York
May 15, 2008

Respectfully submitted,

By:



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General Motors Corporation
and Brian Everest

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